

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

WEST BEND MUTUAL INSURANCE
COMPANY,

Case No.: 16-CV-_____

Plaintiff,

CARS, INC. and CARL WOLFGAM,

Involuntary Plaintiffs,

v.

JACKCO TRANSNATIONAL,

Defendant.

NOTICE OF REMOVAL

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN – GREEN BAY DIVISION

The Notice of Removal of the defendant, Jackco Transnational Inc., respectfully shows as follows:

1. On or about the 18th day of February, 2016, an action was commenced against the above-named defendant in the Circuit Court for the State of Wisconsin, in and for the County of Fond du Lac, entitled *West Bend Mutual Insurance Company, et al. v. Jackco Transnational*, Case No. 16-CV-98 by filing of a Summons and Complaint with the Clerk of Courts for Fond du Lac County, a copy of which is annexed hereto as *Exhibit A*. An Amended Complaint was filed with the Clerk of Courts for Fond du Lac County on March 3, 2016. (*Exhibit B*).

2. Upon information and belief the aforesaid Amended Summons and Complaint was served upon the defendant, Jackco Transnational Inc. on or about March 31, 2016. No

pleadings were served upon defendant prior to that date. The time for filing of responsive pleadings has not yet expired.

3. The above-described action is a civil action of which this court has original jurisdiction under the provisions of Title 28, U.S. Code Sec. 1441, in that it is a civil action wherein the matter in controversy allegedly exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, as more fully appears from plaintiff's Complaint and is between citizens of different states.

4. The plaintiff, West Bend Mutual Insurance Company, was, at the time this action was commenced, a Wisconsin insurance corporation with principal place of business at 1900 South 18th Avenue, West Bend, WI. (Plaintiff's Complaint, ¶1)

5. The involuntary plaintiff, Cars, Inc., was, at the time this action was commenced, a Wisconsin corporation with its principal place of business in Fond du Lac, Wisconsin and is alleged to have suffered damages and losses as a result of the alleged incident. (Plaintiff's Complaint, ¶1).

6. The plaintiff, Carl Wolfgram, at the time this action was commenced, was an adult resident of the State of Wisconsin with a domicile located in Fond du Lac, WI. (Plaintiff's Complaint, ¶1).

7. The defendant, Jackco Transnational Inc. at the time this action was commenced, and still is, incorporated under the laws of the State of California. The principal place of business of Jackco Transnational Inc. is Azusa, CA.

8. Thirty (30) days have not elapsed since defendant was served with the Complaint and Amended Complaint.

9. Paragraphs 7 and 8 of the Amended Complaint allege that plaintiffs sustained the following damages:

7. As a result of the above-described fire, Cars, Inc. sustained damages as follows:

- a. Business income loss: \$ 25,000.00
- b. Structural damage: \$225,694.51
- c. Contents: \$103,655.48
- d. Extra expense: \$ 12,000.00

PRESENT TOTAL: \$366,349.99

8. Pursuant to its policy of insurance with Cars, Inc. and the laws of the State of Wisconsin, Plaintiff was required to pay, and did pay, to or on behalf of its insured the sum of **Three Hundred Sixty-Six Thousand Three Hundred Forty-Nine and 99/100 Dollars (\$366,349.99)** all for damages sustained by Cars, Inc. or its customers.

10. Based upon the allegations of the pleadings, the amount in controversy exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs. While defendant does not agree that it is liable to plaintiffs for any of the alleged damages, plaintiffs are seeking damages in excess of the jurisdictional limit of \$75,000.00.

11. In accordance with 28 U.S.C. §1446(d), written notice of the filing of this removal notice will be given to the plaintiffs and will be filed with the Clerk of Circuit Court for Fond du Lac County, Wisconsin, following the filing of this notice.

WHEREFORE, defendant, Jackco Transnational Inc. requests that the above action now pending against them in the Circuit Court for the State of Wisconsin, in and for Fond du Lac County, be removed to the United States District Court For The Eastern District Of Wisconsin, Green Bay Division.

Dated this 28th day of April, 2016.

/s/ Jeffrey S. Fertl

Jeffrey S. Fertl

State Bar No. 1014806

Defendant, Jackco Transnational Inc.

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